

Washington University Journal of Law & Policy

Volume 3 *Evolving Voices in Land Use Law: A Festschrift in Honor of Daniel R. Mandelker*

January 2000

Writing Urban Spaces: 'Street Graphics and the Law' As Postmodern Design and Ordinance

Amy Mandelker
City University of New York

Follow this and additional works at: https://openscholarship.wustl.edu/law_journal_law_policy



Part of the [Land Use Law Commons](#)

Recommended Citation

Amy Mandelker, *Writing Urban Spaces: 'Street Graphics and the Law' As Postmodern Design and Ordinance*, 3 WASH. U. J. L. & POL'Y 403 (2000),
https://openscholarship.wustl.edu/law_journal_law_policy/vol3/iss1/16

This Zoning Aesthetics is brought to you for free and open access by the Law School at Washington University Open Scholarship. It has been accepted for inclusion in Washington University Journal of Law & Policy by an authorized administrator of Washington University Open Scholarship. For more information, please contact digital@wumail.wustl.edu.

Writing Urban Spaces: *Street Graphics and The Law* as Postmodern Design and Ordinance

Amy Mandelker*

The utopian impulse to design and legislate public space has historically informed all inscriptions of the city, in architectural design and planning, in zoning regulation and legislation, and in literary and cinematic representations of urban scenes. Any approach to shaping the image of city spaces must reckon with ingrained cultural experiences of the image of the city—in its aesthetic, axiological, and social significance. This essay explores the implicit negotiation of pre-modernist, modernist, and post-modernist constructions of urban topoi, in the design aesthetic and model ordinances Daniel R. Mandelker and William R. Ewald introduced in *Street Graphics and the Law*.¹ Their collaborative effort was pragmatically intended for the improvement of street graphics—and public experience—in American cities.² *Street Graphics and the Law* does not articulate or appeal to a specific theoretical framework or aesthetic principle, and the model ordinance and legal evaluations it contains have reference primarily to features of constitutionality. However, in its subtle appeal to an essentially pre-modern, European model of urban design as a means of expressing group and community identity, it might be argued that *Street Graphics and the Law* participates in the theoretical embrace of postmodernist subjectivity that characterizes recent architectural and urban design practices.

In exploring the writing of urban design in legal ordinance and in literary and theoretical inscriptions, the former Soviet Union and the United States might serve as two extremely opposed examples of a hyper-regulated urban planning ethos on the one hand, and an under-

* Graduate Center of the City University of New York.

1. DANIEL R. MANDELKER & WILLIAM R. EWALD, *STREET GRAPHICS AND THE LAW* (1988).

2. *See id.* at 1.

regulated, unconstructed ad hoc *laissez faire* situation on the other. In his comparative study of city planning in the Soviet Union and the United States, Daniel R. Mandelker found that despite theoretical differences, actual planning processes were subject to similar pressures.³ Additional convergences occur in architectural design. In both nations, the historical event of the revolutionary establishment of a new government influenced the creation of and designation of public space, both in subservience to ideological agendas, and in the impulse to assert legitimacy and authority. Therefore, architects and planners of Colonial America and Petrine Russia share an affinity for neo-Classical architecture, as a citation of enduring antiquity.

Reading the graphic styles of Soviet and American cities is to note the sterile uniformity of the first, and the insistent multiculturalism of the latter. When considered in terms of the preceding comparison, *Street Graphics and the Law* poses disturbing theoretical and legislative questions concerning the writing of cities in street graphics and legislation. The scenographic ideal proposed by the authors of *Street Graphics and the Law* was, in some measure, realized in the actual practices of Soviet Russia: the creation of wide public spaces, neatly planted and fringed with green zones, the uniform coloring and lettering of state-sponsored slogans and citations appearing on posters and banners, and the use of coded symbols in street signs and on-site advertising. For example, bakeries used the same sign style and lettering throughout Russia so that most stores and services achieved the instant recognition limited in the West to hospitals, post office boxes, and telephone booths. The opposite extreme of unregulated and unplanned over-development of American urban and suburban spaces represents the dark face of liberty: the sprawl and illegibility that is the unavoidable result of unregulated, unmanaged growth.

The move towards a reduction of information via compression into image—minimizing the word—is the essence of the street graphics system.⁴ The system is humanistically centered in the moment of reading the rapidly changing picture framed inside the automobile windshield—the ultimate screen of modernity. The

3. Daniel R. Mandelker, *City Planning in the Soviet Union: Problems of Coordination and Control*, 2 URB. L. & POL'Y 97-109 (1979).

4. *See id.* at 33-39.

authors quite correctly identify the critical issue and the rationale for their system as the perceptual overload of the rapidly transiting automobile driver, attempting to process a jumble of texts at lightning speed while operating heavy machinery.⁵ The lack of overlapping signifying codes or symbols results in an overwritten face of the city: the street vendors' cries of the pre-industrial era are re-coded as visual noise that is overwhelming, yet energizing, in the jumble of conflicting aesthetic and stylistic signals. The cacaphonic, entropic overload of redundant information characterizes the perceptual challenge of reading the typical American city and its environs while in rapid transit. This description adequately reflects the postmodern aesthetic which resists homogeneity and emphasizes the violent contact between mutually untranslatable intersecting cultural events. The opposite tendency, a carefully designed homogenous space, suggests a utopian drafting of harmonious community. Within the latter system, it is possible to create signifying systems that move away from text to code, for example, the substitution of color scheme and sign shape for verbal information proposed by the street graphics system.

The authors of the street graphics system suggest that the symbolic use of design elements—more easily construed—would reduce the chaotic and ambiguous communicative confusion of written signs. This approach is essentially pre-modern, evoking the pre-literate iconicism of a medieval past. The evocation of a peaceful medieval town, banners fluttering, is given as an illustration in *Street Graphics and the Law*.⁶ The *Street Graphics* concept famously suggests the implementation of iconic rather than linguistic signification, again recalling a medieval or pre-modern form of communication when geometrical forms and patterns retained a symbolic relationship to the cosmos. Such an approach is still viable as what Daniel Willis calls “vernacular space” and “vernacular architecture” in *The Emerald City: Essays on the Architectural Imagination*. Willis argues that the vernacular, local code alone can reflect the specific needs of individual loci.⁷ Similarly, Bill Hillier,

5. *See id.* at 23.

6. *See id.* at 73.

7. DANIEL WILLIS, *THE EMERALD CITY: ESSAYS ON THE ARCHITECTURAL IMAGINATION*

author of *The Social Logic of Space*, has emphasized that design should accommodate the actual function of space in buildings and in cities.⁸ The authors of *Street Graphics and the Law* apply this concept to the written surface of the modern city-scape, suggesting that its specific form be regulated and interpreted by local concerns, but according to a model ordinance that insures its viability and legibility.⁹

A similar pre-modern aesthetic emerges in the *Street Graphics* suggestion to plant trees and bury utility wiring.¹⁰ This suggests evolving technology will soon enable fiber optics and satellite disks to replace cabled connections. The street graphics system weds the pre-modern, pre-technological, iconic ideal of symbolic, non-verbal graphic design with the postmodern aesthetic of multiculturalism in the emphasis on the automobile as the site of movement and perception.¹¹ This emphasis connects the street graphics system to the design philosophy of such planners and artists as Bernard Tschumi, who focus on movement and activity to make the idea of “event” essential to urban design and planning.

The postmodern aesthetic has gained ascendancy in most recent models of urban design and planning. Gerald E. Frug, in *City Making: Building Communities Without Building Walls* traces the history of the legal concept of the city to substantiate his claim that postmodern subjectivity offers the most promising source of ideas for addressing the problems afflicting modern city planners and architectural designers. Frug notes the viability of the medieval town as a corporate entity between the individual and the state that was neither public nor private, political or economic: “it was understood as enabling the exercise of the power of groups . . . in social life,”¹² in particular, merchants and other guilds. If the premodern city was erected as a zone harmonizing and organizing spheres of group activity (the marketplace, the guilds, the court), then the modern city

(1999).

8. BILL HILLIER, *THE SOCIAL LOGIC OF SPACE* (1984).

9. See MANDELKER & EWALD, *supra* note 1, at 86-130.

10. *See id.* at 106.

11. *See id.* at 2.

12. GERALD E. FRUG, *CITY MAKING: BUILDING COMMUNITIES WITHOUT BUILDING WALLS* 127 (1999).

became the site of an intense uncertainty about social structures. The endowment of social groups with certain autonomous freedoms was eroded over time by the steady subordination of city to state in the early modern period, accompanied by the concomitant undermining of group identity. Thus, what Frug terms “city powerlessness”—its lack of legal status—became an entrenched principle precisely during the intense periods of rapid urbanization of the late 19th century, as documented by Arthur Meier Schlesinger in *Rise of the City*.¹³ Robert Fishman, in *Urban Utopias in the Twentieth Century*, similarly attributes urban blight and sprawl to the city’s loss of self-control, as city planning became the provenance of speculative profit-determined forces.¹⁴

The very idea of city planning is axiologically conflicted: the utopian intentions of a rationally structured city are deconstructed in the unplanned, dystopian shanty towns, mean streets, and back alleys that became the favored setting for sensational narratives of the 19th century novel and 20th century film noir. Similarly suspect are any attempts to legislate social order through urban design, beginning with Le Corbusier’s plans for a “radiant city” and clarion call for the establishment of “the basic principles of modern town planning” in *The City of Tomorrow and its Planning*.¹⁵ Fishman suggests that Le Corbusier’s impulse in city planning, like that of other design architects, such as Frank Lloyd Wright, pushed far past a decorative concept with the intention to effect social restructuring through urban design.¹⁶ In this sense, Le Corbusier and Wright, like their counterparts in early Soviet Russia, El Lissitzky and Tatlin, participated in the Bauhaus ideal of creating environments and designing functionality and affordability for mass consumption. The resulting architectural retro-garde reflected the fascistic urban ideology of Mussolini’s Rome and Stalin’s Moscow and Leningrad.

Other critics of city planning have pointed to the formulation of the mapped city as blueprint and graph, carved into block-lot sales, to

13. ARTHUR MEIER SCHLESINGER, *THE RISE OF THE CITY 1878-1898* (1953).

14. ROBERT FISHMAN, *URBAN UTOPIAS IN THE TWENTIETH CENTURY* (1977).

15. LE CORBUSIER, *THE CITY OF TOMORROW AND ITS PLANNING* (1927).

16. See FISHMAN, *supra* note 14, at 12.

exemplify the ambivalence underlying the city planning effort.¹⁷ This interpretation of city planning construes mapping as the rationalist imposition of an inhuman mechanistic structure onto irrational human and natural spaces, as in the imaginary city-state of Evgeny Zamiatin's dystopian novel, *We*.¹⁸ Frank Lloyd Wright compared the sketch for a planned city to the cross-section of a fibrous tumor.¹⁹ In a similar vein, Russian poet and novelist, Andrei Belyj continued Aleksander Pushkin's protest against Peter the Great's erection of the city of Petersburg on the bones of the laborers who filled in the swamp, calling Petersburg "the most typographical city in the world."²⁰ Friedrich Engels had questioned the entire enterprise of urban planning in his 1872 essay on "The Housing Question," arguing that urban design was necessarily part of the superstructure of capitalism, and that, therefore, any city planning effort would automatically reflect society's inhumanity and oppressive social forces.²¹

If the modernist perception of the city sketched above adheres via modularity—the neat grid of systematic streets and squares—it is disrupted by centripetality. That is, while the city is viable, it is characterized by the displacement of undesirable social elements to the periphery or to regions that Michel Foucault termed heterotopoi: the madhouse, the prison, the "red light" districts, the bowery.²² Both tendencies, the rational planning of a rigid geometry and the ejection of the dis-empowered social strata, are expressive of dehumanization, the most recognizable feature of modernity according to Ortega y Gasset.

Twentieth century cinema is replete with this familiar theme of the modularity of city life, from its earliest filmic treatment in Charlie Chaplin's *Modern Times*, where Chaplin is rolled within the cogs of immense machinery and driven to insanely tightening the buttons of

17. M. CHRISTINE BOYER, *DREAMING THE RATIONAL CITY: THE MYTH OF AMERICAN CITY PLANNING* (1983).

18. Mirra Ginsburg, trans., *We*, by Yevgeny Zamyatin (1972).

19. See FISHMAN, *supra* note 14, at 12.

20. ANDREJ BELYI, *PETERSBURG 1* (John Malmstad & Robert Maguire trans.).

21. FRIEDRICH ENGELS, *THE HOUSING QUESTION* (1872).

22. MICHEL FOUCAULT, *THE ORDER OF THINGS: AN ARCHEOLOGY OF THE HUMAN SCIENCES* 24 (1979).

passersby with factory tools. Similarly, the “eight million stories in the big city” (of WeeGee’s *Naked City*) are filmically reduced to atomically fragmented non-entities in the riffing pages of the telephone book, the criss-cross of train tracks and subway lines, and the continuous divagation of the masses through the arteries of Fritz Lang’s *Metropolis*. The urban utopia in modernist literature and film quickly becomes a site of repressive, mechanized, compulsive conformity, while all efforts at artistic freedom or human love are expelled into anarchic wilderness in works such as E.M. Forster’s *The Machine Stops*.²³ Simultaneously, the back alleys and subterranean passages of sewers and subways become the setting for depicting the dark, “reverse image” of modernity, both in literary classic works such as Victor Hugo’s *Les Misérables* or Charles Dickens’ *Bleak House* or *A Tale of Two Cities*, and in later film noir treatments like *The Third Man*.²⁴

In an apt summary of the foregoing negative perception of the city, M. Christine Boyer characterizes the city planning effort as perpetually deferred: “[T]he formation of a humanistic order to the American city still lies in the future, for the characteristic features of the modern city—its alienating abstractions, rational efficiency, fragmented and malign configuration . . . are still very much with us in the present.”²⁵ Boyer has stressed the dangers of imparting “readability” to urban form, arguing that the imposition of a grid demarcating city zones into real estate markets erases the structural relations between spaces and building typologies, and overlooks the non-virtual zone of actual event.²⁶

Such ambivalent cultural constructions of city planning and city spaces derive from the persistent philosophical definition of space as regions of order-*topos*-carved out of undifferentiated chaos-*chora*.²⁷ There is nothing new in the antinomy between civilization and nature

23. E.M. Forster, *The Machine Stops*, in FAIRY TALES FOR COMPUTERS (1979).

24. CHARLES DICKENS, BLEAK HOUSE (1852); CHARLES DICKENS, A TALE OF TWO CITIES (1859). VICTOR HUGO, LES MISÉRABLES (Charles E. Wilbur trans. 1862).

25. M. Christine Boyer, *Dreaming the Rational City: The Myth of American City Planning* 290 (MIT Press 1983).

26. See *id.* at 1.

27. For a discussion see EDWARD S. CASEY, THE FATE OF PLACE: A PHILOSOPHICAL HISTORY chs. 1-3 (1997).

that has been with us since Aristotle and Plato; at issue is the deadly unanimity of over-regulated order, coupled with the return of chaos inside the very body of culture. The image of the city in literature and film, therefore, is an extension of the Dr. Jekyll-Mr. Hyde personality split of post-Romanticism; an over-regulated, Enlightenment, positivist legislation oppressively dehumanizes the individual through the modularity of post-industrialism. Thus, the more natural and creative impulses of human need and suffering are displaced into the centripetalized zones of anarchic criminality and passion. Just as film noir and the detective story seem to emerge from interwar Europe and the cold war between Soviet Russia and the United States, so this particular image of the modern city appears to be changing in the Post-Soviet era through theories of the postmodern.

Postmodern studies of urban space have sprung a release from the dichotomous model sketched above. In particular, the notions of citationality and of designing for “event” achieve a freedom for design that is anticipated by the authors of *Street Graphics and the Law*. This victory for the creators of the street graphics model ordinance is a result of their decision to construct the written urban space as it is to be read within the moving, cinematic frame of the automobile windshield. The American urban landscape is as much determined by the automobile as by cinema, as Edward Dimendberg has recently noted in his *The Will to Motorization: Cinema, Highways, and Modernity*.²⁸ The image of the utopia behind the automobile was made explicit as early as General Motors’ “autotopia” at the 1939 World’s Fair. More specifically, by making the automobile screen the determinative feature in reading and writing urban space, Mandelker and Ewald anticipate the design principles of Bernard Tschumi: “Architecture is as much about the events that take place in space as about the spaces themselves.”²⁹ Tschumi’s notion of architectural design as “dis-structuring” and “staging” events (an example is his proposal for the National Library of France which “cannot be a frozen monument but must instead turn

28. Edward Dimendberg, *The Will to Motorization: Cinema, Highways, and Modernity*, 73 *October* 1 (1995).

29. BERNARD TSCHUMI, *EVENT-CITIES (PRAXIS)* 13 (1994).

into an event, a movement³⁰ has its echo in Jacques Derrida's deconstruction of architecture as "archi-écriture."³¹ Derrida emphasizes that Tschumi's work does not simply create a location where something can happen, rather the structure participates in the event dramaturgically, as a trans-architectural "scenography of passage."³²

The postmodern construction of spatiality thus suggests a different approach than the order/topos-chaos/chora dichotomy discussed above. Instead, the concept of site becomes nomadic, as in Gilles Deleuze and Félix Guattari's notion of relocation and restructuring.³³ An example of a nomadic site can be drawn from a treasured memory of storybook readings by an urban law professor to his preschool aged daughter. *The Little House* is the story of a little house in the country that is eventually transformed into a ramshackle abandoned property sandwiched between tenements and skyscrapers in the midst of a bustling downtown. The site of the house was not altered spatially, but chronotopically, to borrow a term from Mikhail Bakhtin.³⁴ Its site, therefore, functions as if nomadically—the little house moved without moving, epitomizing the 20th century American experience of translocation and the postmodern symptom of displacement.

The ultimate nomadic site is the virtual site, or "place bite," or "e-topia," to reference the title of a recent book by William Mitchell.³⁵ The concept of the nomadic site underscores the degree to which bites of information constitute a sense of place, a phenomenon which has only intensified since the sensory, graphic overload of urban spaces inspired the initial conceptualization of *Street Graphics and*

30. *See id.* at 329.

31. JACQUES DERRIDA, OF GRAMMATOLOGY 65 (Giyatry Spivak trans. 1974).

32. JACQUES DERRIDA, POINT DE FOLIC—MAINTENANT L'ARCHITECTURE 9 (Kate Linker trans. 1986).

33. GILLES DELEUZE & FÉLIX GUATTARI, A THOUSAND PLATEAUS: CAPITALISM AND SCHIZOPHRENIA (Brian Massumi trans. 1987).

34. *See generally* Mikhail Bakhtin, *Forms of Time and of the Chronotope in the Novel*, in THE DIALOGIC IMAGINATION: FOUR ESSAYS BY M.M. BAKHTIN (Caryl Emerson & Michael Holquist trans. 1981).

35. William J. Mitchell, *E-topia: "Urban Life, Jim—but not as we know it"* (Cambridge: MIT Press, 1999). Also relevant is Mitchell's *City of Bits: Space, Place, and the Infobahn* (1995).

the Law. In a succinct summation of the postmodern, *The Ecstasy of Communication*, Jean Baudrillard comments: “With communication and information, with the immanent promiscuity of all these networks with their continual connections, we are now in a new form of schizophrenia . . .”³⁶ The resulting experience, capturing the sense of urban landscape as cinema set or backdrop, Baudrillard terms “hyperreality.”³⁷

The concept of nomadic sites and cities inspired the design and planning efforts of Bernard Tschumi, who, in his *Event-Cities*, first developed the concept of design as a sense of place. As paraphrased by literary theorist Jacques Derrida, architecture serves to “space out” a region where human events occur and through which humanity moves.³⁸ Although Derrida’s ideas so impressed designer Tschumi that he invited the literary critic to participate in the design and planning of Paris’ Parc de Villette, the fact that the park was never constructed is indicative of the larger socio-economic issues attendant on efforts to legislate and design urban spaces that sprawl and overleap their boundaries, or defy upbuilding, as Mandelker has recently summarized in *Managing Space to Manage Growth*.³⁹ *Urban Design Downtown: Poetics and Politics of Form* provides a recent, non-legal assessment of the social nature of postmodern design in the continually evolving downtown urban space of late 20th century American cities. The authors darkly insinuate the existence of a neo-elitist, corporate-consumer collaboration, designed to exclude the disenfranchised.⁴⁰ In an evaluation of non-American cities Rolf J. Goebel notes that cultural anxiety over social hierarchy is reflected in urban design, giving as an example the importation or “citation” of western architectural motifs in Japanese cities.⁴¹ These motifs would serve the same legitimating, meta-narrative function as the early

36. Jean Baudrillard, *The Precession of Simulacra*, in *SIMULAERA AND SIMULATION* 1-3 (Sheila Glaser trans. 1994).

37. *Id.* at 12.

38. See Derrida, *supra* note 31, *passim*.

39. See generally Daniel R. Mandelker, *Managing Space to Manage Growth*, 23 WM. & MARY ENV'T'L & POL'Y REV. 801-29 (1999).

40. ANASTASIA LOUKAITOU-SIDERIS & TRIDIB BANERJEE, *URBAN DESIGN DOWNTOWN: POETICS AND POLITICS OF FORM* (Berkeley: Univ. of California Press, 1998).

41. Rolf J. Goebel, *Japanese Urban Space and the Citation of Western Signs*, *Comparative Literature Studies* 35:2, 93-106 (1998).

Soviet and Colonial American “citations” of classical architecture for state buildings referred to above. Goebel suggests that “a sustained discourse of cultural hybridity” has occurred as Japanese cities appear to cite “fragments from the architecture, street life, and technology of Western cities.”⁴² While such citations were heralded at earlier phases of Japan’s history as demonstrating a successful transformation from feudal to post-industrial society, later, more critical responses suggest an increasing uneasiness with the apparent disappearance of the “authentic” Japan as it is being overwritten by Western technology and design. The ultimate subversion of traditional cultural values is epitomized in the erection of a Japanese Disneyland. The location of a McDonalds restaurant on Red Square creates much the same sense of hybridity, as the franchise was compelled to price its wares within the Soviet wage structure. These forms of “citationality” can be celebrated as liberating: “There is a real sense of freedom in finding that Doric columns don’t mean banks, or red roof-tiles, Spain.”⁴³ Alternately, such blurring of style and design is described as a “dizzying subversion of ontological certainties,” where the city’s endless quotations of urban design motifs acquires the unreal quality of a film set, achieving Baudrillardian sense of postmodern “hyperreality.”⁴⁴

Conceptualizing the site as nomadic, and privileging the event— or what Mikhail Bakhtin called “event-ness”⁴⁵—over structures of containment and restriction, results in the postmodern approach to reading and writing urban spaces as scenographic passages. The design aesthetic and model ordinances of *Street Graphics and the Law* anticipate these notions, without overtly articulating a postmodern approach. By implicitly defining the city as something that is read, and more importantly, read as a nomadic site, the authors successfully evade the modernist problem and arrive at a clarification

42. Goebel, *supra* note 41, at 93.

43. DONALD RICHIE, *A LATERAL VIEW: ESSAYS ON CULTURE AND STYLE IN CONTEMPORARY JAPAN* (1992).

44. See Baudrillard, *supra* note 36.

45. *RETHINKING BAKHTIN, EXTENSIONS AND CHALLENGES 7* (Gary Saul Moran & Caryl Emerson trans. 1989). For Bakhtin’s ideas see generally M.M. BAKHTIN, *TOWARD A PHILOSOPHY OF THE ACT* (Vadim Liapunov trans. 1993, Vadim Liapunov & Michael Holquist eds.).

of city space that can be both inscribed and deciphered. The issue of legibility-both legal and perceptual-informs the *Street Graphics* aesthetic, liberating it from the twin dangers of semiotic totalitarianism and aesthetic elitism, and providing space for the radical contingencies of human experience.